

This motion will be denied, as Plaintiff's Motion for a Temporary Restraining Order (ECF No. 2) is defective under the Federal Rules of Civil Procedure. Federal Rule of Civil Procedure 65(b)(1) provides that:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.


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1 defects are fatal to the Motion regardless of the fact that Plaintiff is a self-represented  
2 litigant. *See Samson v. One West Bank*, No. C 10-4827 PJH, 2010 WL 4724237, at \*2  
3 (N.D. Cal. Nov. 15, 2010) (applying the requirement that “the movant’s attorney certifies  
4 in writing any efforts made to give notice and the reasons why it should not be required”  
5 to a *pro se* litigant); *see also King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se  
6 litigants must follow the same rules of procedure that govern other litigants.”).

7 Further, even if Plaintiff had argued that no notice should be required, the Court  
8 does not find that the circumstances warrant a TRO being issued without notice to  
9 Defendants. As this appears to be a wrongful foreclosure case and Plaintiff has made no  
10 showing that notice to Defendants would somehow render ineffective the further  
11 prosecution of this case, Defendants should be able to present their evidence in favor of  
12 the legality of this foreclosure before an injunction is imposed. Although *ex parte* TROs  
13 may be granted in a narrow range of instances “where the adverse party is unknown or  
14 because a known party cannot be located in time for a hearing” or where “notice to the  
15 defendant would render fruitless the further prosecution of the action,” *Reno Air Racing*  
16 *Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006), this is not one of those  
17 circumstances.

18 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for a Temporary Restraining  
19 Order (ECF No. 2) is **DENIED**.

20 DATED this 17th day of May, 2011.

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24 Gloria M. Navarro  
25 United States District Judge